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HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (S) No. 1417 of 2007

Petitioners :1. Anil Tiwari
aged about 42 years (Lecturer)
S/o Shri B.P. Tiwari, R/o Saraknda, District Bilaspur (Chhattisgarh)

2. Arvind Mishra
Aged about 42 years, S/o Shri Dasrath Lal Mishra, R/o Lecturer, Govt. Girls Higher Secondary School, Bemetara, Distt Durg (CG)

3. Mannu Lal Sharma
Aged about 45 years, S/o Shri R.P. Sharma, R/o Lecturer, Govt. Higher Secondary School, Machadoli, Tahsil Katghora, Distt Korba (CG)

4. Ajay Dubey
Aged about 35 years, S/o Shri G.S. Dubey, R/o Assistant Teacher, Govt Primery School, Risda (Bamhnidih), Distt Janjgeer-Champa (CG)

5. Shrikant Bhagat
Aged about 39 years,
S/o Shri Bhagat, R/o Asst. Teacher, Govt. Higher Secondary School, Beltara, Distt Bilaspur (CG)

6. Tirith Ram Sahu
Aged about 41 years, S/o Shri S.R. Sahu, R/o Assit. Teacher, Govt. Primary School, Butena, Tahsil Tkhatpur, Distt Bilaspur (CG)

7. Dr. Kartik Ram Nirmalkar
Aged about 38 years, S/o Shri D.R. Nirmalkar, R/o Asst. Teacher, Govt. Higher Secondary School, Bartori, Tahsil Bilha, Distt Bilaspur (CG)

8. Ram Kishore Shukla
Aged about 44 years, S/o Shri D.R. Shukla, R/o Asst. Teacher, Ward No. 2, College Road, Champa, Tahsil & Distt Janjgeer-Champa (CG)

9. Mamta Agrawal
Aged about 35 years W/o Shri Navin Agrawal, R/o Asst. Teacher, Govt. Higher Secondary School, Birgaon, Distt Raipur (CG)

10. Indal Lal Kurre
Aged about 45 years, S/o Shri G.P. Kurre, R/o Asst. Teacher, Govt. Primary School, Barchha, Tahsil Patharia, Distt Bilaspur (CG)

11. Amar Singh Jangde
Aged about 42 years, S/o Shri Chait Ram, R/o Asst. Teacher, Govt. Primary School, Bawli, Tahsil Patharia, Distt Bilaspur (CG)

12. Ravikant Bhosle
Aged about 41 years, S/o Shri G.R. Bhosle, R/o Asst Teacher, Govt. Primary School, Sodhi N, Tahsil Patharia, Distt Bilaspur (CG)

13. Krishna Gopal Yadav
Aged about 48 years, S/o Shri P.R. Yadav, R/o Asst Teacher, Govt. Primary School, Sildaha, Tahsil Patharia, Distt Bilaspur (CG)

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14. Rukhman Rao Bhosle
Aged about 44 years, S/o Shri S.R. Bhosle
R/o Asst Teacher, Govt. Primary School, Sildaha,
Tahsil Patharia, Distt Bilaspur (CG)

15. Gorelal Srivas
Aged about 40 years, S/o Shri Srivas,
R/o Asst Teacher, Govt. Primary School, Madku,
Tahsil Patharia, Distt Bilaspur (CG)

16. Ashok Kumar Verma
Aged about 43 years, S/o Shri RR Verma
R/o Asst Teacher, Govt. Primary School,
GangDwari Tahsil Patharia, Distt Bilaspur (CG)

17. Kedarnath Verma
Aged about 42 years, S/o Shri KC Verma,
R/o Asst Teacher, Govt. Primary School,
Parsada, Tahsil Patharia, Distt Bilaspur (CG)

18. Anil Singh Chhatri
Aged about 43 years S/o Shri M.S. Chhatri,
R/o Asst Teacher, Govt. Primary School, Bawli,
Tahsil Patharia, Distt Bilaspur (CG)

19. Yogendra Singh Chhatri
Aged about 47 years, S/o Shri RN Thakur,
R/o Asst Teacher, Govt. Primary School, Kakedi
Tahsil Patharia, Distt Bilaspur (CG)

20. Ashok Kumar Dubey
Aged about 42 years, S/o Shri M.L. Dubey,
R/o Asst Teacher, Govt. Primary School,
Piperload, Patharia, Distt. Bilaspur (CG)

21. Ram Singh Thakur
Aged about 42 years, S/o Shri A.S. Thakur
R/o Asst Teacher, Govt. Primary School, Sawa,
Sargaon, Distt Bilaspur (CG)

22. Luv Kumar Sonwani
Aged about 40 years, S/o Shri RC Sonwani
R/o Asst Teacher, Govt. Primary School, Barchha
Tahsil Patharia, Distt Bilaspur (CG)

23. Uma Rani Gupta
Aged about 43 years, W/o Shri S.K. Gupta,
R/o Asst Teacher, Nagoraoshesh School, B,
Tahsil & Distt Bilaspur (CG).

Versus

Respondents :1. State of Chhattisgarh
Through the Secretary
Department of School Education, D.K.S. Bhawan
Mantralaya Raipur (Chhattisgarh)

2. The Assistant Commissioner, Tribal Department
Raipur District Raipur (CG)

3. District Education Officer Bilaspur District Bilaspur
(CG)

4. The Director of Public Instruction, Pension Bada,
Raipur, (CG).

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Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Ms. Sunita Jain, Advocate for the Petitioners.
Mr. Sushil Dubey, Govt. Advocate for the State/respondents.

ORDER

(Passed on this 12th day of March, 2007)

I.A. No. 1935/2007

This is an application for taking documents on record. The application is ordered as prayed for.

1. The petitioners are working as Assistant Teachers/Lecturers in the government school. In the course of their services as Assistant Teachers/Lecturers, the petitioner No. 1 has obtained B.Ed. Examination Certificate in the year 93-94, the petitioner No. 2 has obtained B.Ed. Examination Certificate in the year 1990-91, the petitioner No. 3 has obtained B.Ed. Examination Certificate in the year 94-95, the petitioner No. 4 has obtained B.Ed. Examination Certificate in the year 1995-96, the petitioner No. 5 has obtained B.Ed. Examination Certificate in the year 94-95, the petitioner No. 6 has obtained B.Ed. Examination Certificate in the month of Oct-Nov' 96, the petitioner No. 7 has obtained B.Ed. Examination Certificate in the year 93-94, the petitioner No. 8 has obtained B.Ed. Examination Certificate in the year 1990-91, the petitioner No. 9 has obtained D.Ed Examination Certificate in the year 1999, the petitioner No. 10 has obtained B.Ed. Examination Certificate in the month of Oct-Nov'96, the petitioner No. 11 has obtained B.Ed. Examination Certificate in the month of Oct-Nov'96, the petitioner No. 12 has obtained B.Ed. Examination Certificate in the year 93-94, the petitioner No. 13 has obtained B.Ed. Examination Certificate in the Month of Oct-Nov' 96, the petitioner No. 14 has obtained in the year 93-94, the petitioner No. 15 has obtained B.Ed. Examination Certificate in the year 92-93, the petitioner No. 16 has obtained B.Ed. Examination Certificate in the year

1993-94, the petitioner No. 17 has obtained B.Ed. Examination Certificate in the year 93-94, the petitioner No. 18 has obtained B.Ed. Examination Certificate in the year 1990-91, the petitioner No. 19 has obtained B.Ed. Examination Certificate in the year 1990-91, the petitioner No. 20 has obtained B.Ed. Examination Certificate in the month of Oct-Nov'96, the petitioner No. 21 has obtained B.Ed. Examination Certificate in the month of Oct-Nov'96, the petitioner No. 22 has obtained B.Ed. Examination Certificate in the year 94-95 and the petitioner No. 23 has obtained B.Ed. Examination Certificate in the year 93-94 on their own expenses.

2. Learned counsel appearing for the petitioners submits that the question involved, herein asto whether the teachers, who obtained B.Ed/D.Ed. Examination Certificates on their own expenses, are entitled to two advance increments.

3. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 (Annexure P/7) issued by the State Government of Madhya Pradesh.

4. In subsequent cases, i.e., Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** vs. ***The State Govt. of Chhattisgarh and another***) and other connected matters, decided by this Court on 15-12-2006, pursuant to the memo dated 28-1-1995, issued by the Secretary, Board of Secondary Education, Bhopal and the prospectus of Diploma in Education Examination, it was clarified that the nomenclature of the Basic Training Institute, i.e., B.T.I. has been changed and renamed as Diploma

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in Education, i.e., D.Ed. Accordingly, the D.Ed. Certificate holders are also covered by the decision in Writ Petition (S.) No.4130 of 2005 (***Gopesh Kumar Verma*** **vs.** ***The State Govt. of Chhattisgarh and another***) (Supra).

5. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

6. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioners have acquired B.Ed./D.Ed. Examination Certificates on their own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge